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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,974	11/26/2003	William Todd Hurst	5703-00059	9503
7590	11/30/2005			
Dinnin & Dunn, P.C. Suite 500 2701 Cambridge Ct. Auburn Hills, MI 48326			EXAMINER CULBRETH, ERIC D	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,974

Applicant(s)

HURST, WILLIAM TODD

Examiner

Eric Culbreth

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-8 and 17 is/are allowed.
- 6) ☒ Claim(s) 9, 14-16, 18, 19 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 10-13 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/9/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 9/9/05. These drawings are not approved.

No brief description of Figure 4 was added to the specification. Also, the structure shown for the first time in Figure 4 (the shape of members 32, 36, etc.) constitute new matter. The examiner suggests adding a brief description of Figure 4 to the specification on page 2 and stipulating in that brief description that Figure 4 is a "schematic" representation (i.e., for illustrative purposes only; not conveying any specific structure of the invention).

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second peripheral wall adapted to attach at least partially inside walls of an airbag housing (claim 19) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 14-16 and 18-23 are objected to because of the following informalities: In the last line of claim 14 "members" should be "member". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 9, 14-16, 18-19 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al (US006601870B2).

Suzuki et al discloses in Figure 2 a retainer with an airbag in dashed lines and inflator (air bag system 20; note Figure 10 where the inflator in system 20 is shown as prior art and hence known) with hooks on the panels or walls. Bracket or adapter 26 attaches the retainer to an instrument panel 11 of an instrument panel 10 and comprises a peripheral wall 28 with apertures 34 for the hooks, and a flange best seen in Figure 4 projecting horizontally perpendicular to the wall. An opening best seen in Figure 4 extends through the adapter and is at least partially defined by at least one of the wall and flange. The inflatable device deploys through the opening (claim 9). The flange engages at least one mounting member (panel 11) in dashboard 10 (claim 14). The flange is perpendicular to the wall and the wall defines a rectangular opening (claims 15-16). Regarding claims 18-19 and 21, the wall also defines the rectangular opening, and integral wall portions in a rectangular shape. The recitation in claim 19 that the wall portions are adapted to attach at least partially inside the walls of an airbag housing is a functional statement of intended use, failing to define distinguishing patentable structure. Regarding claims 22-23, as seen in Figures 1-2 the flange defines a plane that slopes compared to the wall, the flange extends outwardly relative to the wall.

6. Claims 14-15 and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Harnisch et al (US006022043A).

Harnisch et al discloses an adapter 8 with a flange defining an opening through which an airbag deploys and a perpendicular depending wall (claims 14-15). The flange slopes downwardly and extends outward (claims 22-23).

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garner et al (US005527063A) in view of Turner (US005348339A, of record).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Garner et al, who teaches adapter 22 with an opening therethrough defined by a mounting flange and sidewall and attached to retainer 30, as well as the flanges attached by members 74 to an instrument panel 14, to include the retainer having a housing with the airbag and being molded plastic that flexes to accommodate the retainer inside the sidewall as taught by Turner, whose plastic sidewalls at 220 flex to allow a retainer inside at 210, in order to simplify attachment of the adapter and retainer.

Allowable Subject Matter

9. Claims 1-3, 5-8 and 17 are allowed.

10. Claims 10-13 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric Culbreth
Primary Examiner
Art Unit 3616

ec

INSTRUMENT PANEL ADAPTER FOR AIRBAG MOUNT

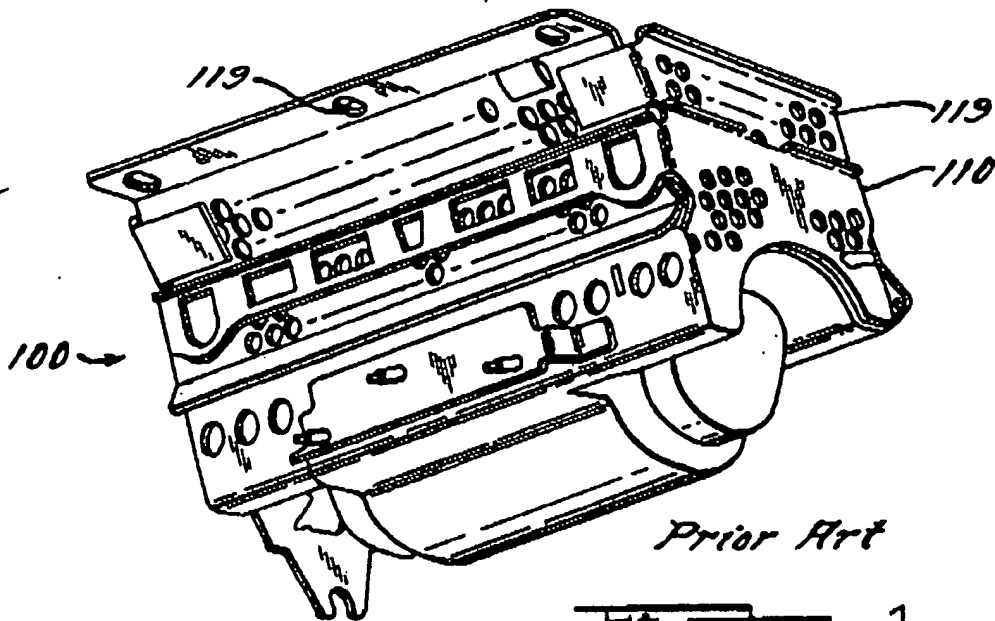
William Todd HURST

Application No.: 10/723,974

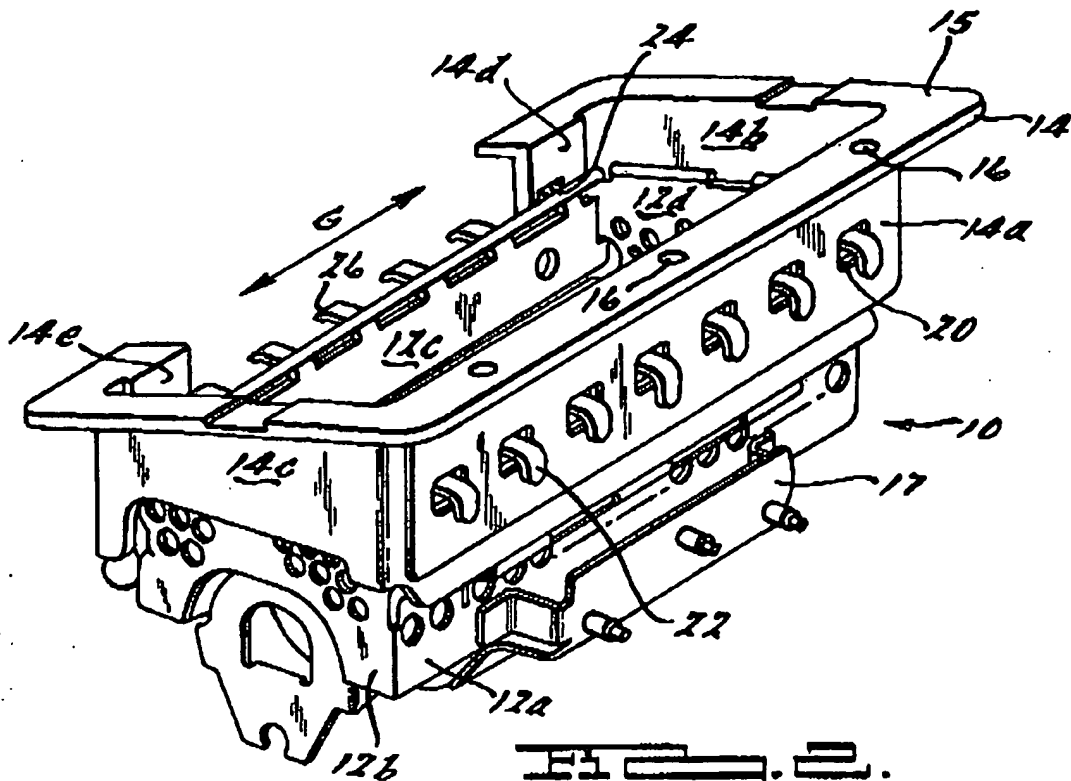
Docket No. 5703-00059

Replacement Drawings filed on 09/09/05

Drawings not
approved
EL
11/19/05



Prior Art

FIG. 1.FIG. 2.